HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.27805 of 1997

Dated:07.02.2007

Between:

Akkidasari Sarojamma and another.

...Petitioners.

and

Gram Panchayat, Kanigiri and others.

...Respondents

HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.27805 of 1997

ORDER:

Petitioners approached this Court by filing this writ petition complaining the action of the respondents in demolishing the structures raised by them, while widening the road, passing through, Ward No.8 of Kanigiri Gram Panchayat. The petitioners state that they have constructed the houses after obtaining permission, several years back and that the respondents have demolished part of the structure, without following the procedure prescribed by law.

On behalf of respondents, the 3rd respondent filed counter-affidavit. It is stated that the petitioners have entered the margin of R & B road passing through Kanigiri village and since the road has become very narrow, resulting in traffic congestion, the widening was undertaken by removing the encroachments. Reference is made to the judgment of a Division Bench of this Court in W.P.No.12975 of 1997 and batch.

Heard the learned Counsel for the petitioners and the learned Government Pleader for Roads and Buildings.

While admitting the Writ Petition, this Court passed an interim order on 24.10.1997, with certain observations.

From the counter-affidavit filed by the 3rd respondent, it is evident that by the time the petitioners approached this Court, demolition of a portion of the building has already taken place and that the road was widened. A Division Bench of this Court in its judgment, in W.P.No.12975 of 1997, had laid down the guidelines to be followed by the respondents and other Governmental agencies in the matter of widening of the public roads and the necessary procedure to be followed, whenever any private or public property in possession of third parties is needed for the purpose of widening of the road. The respondents have also made a reference to that.

There is a serious dispute as to whether the structures raised by the petitioners are on private lands or on road margins. This Court cannot undertake adjudication into such aspects. However, there is no reason why the petitioners cannot be extended the benefit of the judgment rendered by this Court in the W.P.No.12975 of 1997.

The Writ Petition is disposed of, directing the respondents to follow the procedure stipulated in the judgment of this Court, in W.P.No.12975 of 1997 and batch, as regards the structures to the extent they are affected in the widening of the road. There shall be no order as to costs.

Dt.07.02.2007
L.NARASIMHA REDDY, J

GJ

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